**PLANNING COMMISSION RESOLUTION 2007-042**
**CONDITIONS OF APPROVAL - FINAL**
**VILLAGE USE PERMIT 2006-035**
**FORWARD ARCHITECTURE/ HIGHLAND DEVELOPMENT**
**OCTOBER 9, 2007**

GENERAL

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Village Use Permit. The City shall have sole discretion in selecting its defense counsel.

   The City shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.

2. This Village Use Permit shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), Chapter 13 of the La Quinta Municipal Code ("LQMC") and Conditions of Approval for Tentative Parcel Map 27109.

   The City of La Quinta's Municipal Code can be accessed on the City's Web Site at www.la-quinta.org.

3. This Village Use Permit is valid for two years, unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the La Quinta Municipal Code.

4. Village Use Permit 2006-035 shall comply with all applicable conditions and/or mitigation measures for the following approvals:

   - Duna La Quinta Specific Plan 94-024
   - Parcel Map 27109

5. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:

   - Fire Marshal
   - Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
   - Planning Department

- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District Coachella Valley

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

A project-specific NPDES construction permit must be obtained by the applicant; who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

6. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.

   A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permitee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

      The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.

B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.

C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (LQMC Section 8.70.020 (Definitions)):

1) Temporary Soil Stabilization (erosion control).

2) Temporary Sediment Control.

3) Wind Erosion Control.

4) Tracking Control.

5) Non-Storm Water Management.

6) Waste Management and Materials Pollution Control.

E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

7. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

PROPERTY RIGHTS

8. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include

irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the CC&R's for the development or other agreements as approved by the City Engineer.

9. The applicant shall offer for dedication all public street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.

10. The public street right-of-way offers for dedication required for this development include:

    A. PUBLIC STREETS

        1) Calle Tampico (Primary Arterial, Option B - 100' ROW) – The standard 50 feet right of way from the centerline of Calle Tampico for a total 100-foot ultimate developed right of way has been dedicated by Parcel Map No. 27109.

        2) Desert Club Drive (Collector Option B, 64' ROW) – The standard 32 feet from the centerline of Desert Club Drive for a total 64-foot ultimate developed right of way.

11. Dedications shall include additional widths as necessary for bus turnouts, and other features contained in the approved construction plans.

12. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Village Use Permit are necessary prior to approval of the Precise Grading Plan, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.

13. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:

    A. Calle Tampico (Primary Arterial, Option B) - 20-foot from the R/W-P/L.

B. Desert Club Drive (Collector Option B) – 10-foot from the R/W-P.L.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes.

14. Direct vehicular access to Calle Tampico and Desert Club Drive from lots with frontage along Calle Tampico and Desert Club Drive is restricted, except for those access points identified on the Village Use Permit site plan, or as otherwise conditioned in these conditions of approval. As access easements had been previously approved on Parcel Map No. 27109, the applicant is required to provide necessary exhibits for the abandonment of those easements to the City of La Quinta.

15. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.

16. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Village Use Permit, unless such easement is approved by the City Engineer.

17. As Preliminary Precise Grading Plans, Preliminary Hydrology Report or Traffic Study have not been provided and/or approved for this Village Use Permit, the applicant agrees to construct additional infrastructure including but not limited to curb, gutter, sidewalk, pavement and traffic signals as required by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

18. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

A. OFF-SITE STREETS

1) Calle Tampico (Primary Arterial; Option B 100' R/W):

No additional widening is required on the north side of the street along all frontage adjacent to the Village Use Permit boundary to its ultimate width on the north side as specified in the General Plan and the requirements of these conditions.

a) Increase the curb radius at the northeast corner of Calle Tampico and Desert Club Drive to accommodate larger delivery vehicles as required and approved by the City Engineer.

Other required improvements in the Calle Tampico right-of-way and/or adjacent landscape setback area include:

b) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs and as required and as approved by the City Engineer.

c) Modify the existing traffic signal equipment and appurtenances at the intersection of Calle Tampico and Desert Club Drive as required by the City Engineer to include relocation of the traffic signal equipment and appurtenances at the north east corner of Calle Tampico and Desert Club required by the proposed increased radius requirements mentioned above and if required to include new traffic signal poles, pull boxes, conduit and conductors and other appurtenances as approved by the City Engineer. Said modification may extend to the other corners of Calle Tampico and Desert Club Drive as approved by the City Engineer.

d) Striping and signing as required for any of the aforementioned improvements and as approved by the City Engineer.

e) Any additional street improvements per the approved Traffic Report for this Village Use Permit and as approved by the City of La Quinta and/or the City Engineer .

2) Desert Club Drive (Collector Option "B", 64' R/W):

No additional widening is required on the east side of the street along all frontage adjacent to the Village Use Permit boundary to its ultimate width on the east side as specified in the General Plan and the requirements of these conditions:

Other required improvements in the Desert Club Drive right-of-way and/or adjacent landscape setback area include:

a) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs as required and approved by the City Engineer.

b) Reconstruct the existing 6-foot wide meandering sidewalk as approved by the City Engineer.

The applicant shall extend improvements beyond the Village Use Permit boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).

Entry drives, main interior circulation routes, standard knuckles, corner cutbacks, bus turnouts, and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

19. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

| | |
|---|---|
| Collector | 4.0" a.c /5.0" c.a.b. |
| Primary Arterial | 4.5" a.c./6.0" c.a.b. |

or the approved equivalents of alternate materials.

20. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include

recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

21. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.

22. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

PARKING LOTS and ACCESS POINTS

23. As Preliminary Precise Grading Plans, Preliminary Hydrology Report or Traffic Study have not been provided and/or approved for this Village Use Permit, the parking lot or any access points may be required as approved the City Engineer after said approval of this Village Use Permit.

24. The design of parking facilities shall conform to LQMC Chapter 9.150 and in particular the following:

    A. The parking stall and aisle widths and the double hairpin stripe parking stall design.

    B. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.

    C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.

    D. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.

    E. Parking stall lengths shall be according to LQMC Chapter 9.150 and be a minimum of 17 feet in length with a 2-foot overhang for standard parking stalls and 18 feet with a 2-foot overhang for handicapped parking stall or

as approved by the City Engineer. One van accessible handicapped parking stall is required per 8 handicapped parking stalls.

F. Drive aisles between parking stalls shall be a minimum of 26 feet with access drive aisles to Public Streets a minimum of 30 feet as shown on the Village Use Permit site plan and Parcel Map No. 27107 or as approved by the City Engineer.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, ADA accessibility route to public streets, and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

25. General access points and turning movements of traffic are limited to the following:

A. Calle Tampico (existing access adjacent to Parcel 1 of Parcel Map No. 27109)

1) Right turn in and out movements are permitted. Left turn out and in are restricted. (Existing raised landscape median).

B. Desert Club Drive

2) Primary South Entry: Full turn movements will be permitted as approved by the City Engineer.

3) Secondary North Entry: Full turn movements will be permitted as approved by the City Engineer.

26. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

| | |
|---|---|
| Parking Lot & Aisles (Low Traffic) | 3.0" a.c./4.5" c.a.b. |
| Parking Lot & Aisles (High Traffic) | 4.5" a.c./5.5" c.a.b. |
| Loading Areas | 6" P.C.C./4" c.a.b. |

or the approved equivalents of alternate materials.

27. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

28. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.

29. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

30. The property owner of this Village Use Permit shall enter into and record on title a reciprocal access and parking easement agreement for the purpose of permitting the parcel owner(s) and their successors and assign reciprocal access to and across all access drives and parking aisles within Parcel Map 27109, and granting all parcel owner(s) and their successors and assign the reciprocal right to use all parking stalls located within Parcel Map 27109. These reciprocal parking and access easement rights shall not be modified or amended in any way without prior written consent and approval of the Public Works Director & Planning Director. The reciprocal access and parking easement agreement shall be submitted to the City Attorney for review and approval prior to approval of any building plans for the project.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

31. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of LQMC Section 13.24.040 (Improvement Plans).

32. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

A. On-Site Commercial Precise Grading/Storm Drain Plan

1" = 20' Horizontal

B. PM10 Plan — 1" = 40' Horizontal

C. SWPPP — 1" = 40' Horizontal

D. Off-Site Street Improvement/Storm Drain Plan

1" = 40' Horizontal, 1" = 4' Vertical

E. Off-Site Signing & Striping Plan — 1" = 40' Horizontal

F. Traffic Signal Modification Plan — 1" = 20' Horizontal

NOTE: A through F to be submitted concurrently.

The Off-Site street improvement plans shall have separate plan sheet(s) (drawn at 20 scale) that show the relocated sidewalk, curb ramp reconstruction and landscape setback area.

The following plans shall be submitted to the Building and Safety Department for review and approval. The plans shall utilize the minimum scale specified, unless otherwise authorized by the Building and Safety Director in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement

plans not listed here pursuant to improvements required by other agencies and utility purveyors.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All On-Site Signing & Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Raised Pavement Markers (including Blue RPMs at fire hydrants) and Street Name Signs per Public Works Standard Plans and/or as approved by the Engineering Department.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Village Use Permit when it is submitted for plan checking.

On-Site Commercial Precise Grading plans are to be submitted for approval by the Building Official, Planning Director and the City Engineer.

On-Site Commercial Precise Grading plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

33. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the appropriate hyperlink under the Design Guidance Section.

34. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.

IMPROVEMENT SECURITY AGREEMENTS

35. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

COMMERCIAL PRECISE GRADING

36. As Preliminary Precise Grading Plans, Preliminary Hydrology Report and Traffic Study have not been provided and/or approved for this Village Use Permit, the applicant may have to construct additional improvements as approved by the City Engineer.

37. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).

38. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.

39. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:

    A. A grading plan prepared by a qualified engineer,

    B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,

    C. A Fugitive Dust Control Plan prepared in accordance with LQMC Chapter 6.16, (Fugitive Dust Control), and

    D. A Best Management Practices report prepared in accordance with LQMC Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls).

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on the Precise Grading Plan that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

40. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.

41. The final pad elevations shall not deviate from the attached exhibit elevations by more than 0.5 feet.

42. Prior to the issuance of a building permit for any building pad, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor with applicable compaction tests and over excavation documentation.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

43. This development shall comply with LQMC Chapter 8.11 (Flood Hazard Regulations). If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to

issuance of building permits for lots which are so located, the applicant shall furnish elevation certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

44. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.

45. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to LQMC Section 9.100.040(B)(7).

46. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.

47. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

48. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.

49. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

50. As Preliminary Precise Grading Plans and Preliminary Hydrology Report have not been provided and/or approved for this Village Use Permit, the applicant shall have the option of the following Scenarios for stormwater handling for the site.

51. The Planning Director shall review any proposed plan modifications due to drainage and hydrology to determine if the proposed modification is minor, will not result in significant changes in the project, and complies with the spirit and intent of the original approving action. If the director determines the modification may result in a significant change in the project, the Director shall refer the change to the Planning Commission.

Scenario No. 1 – On-Site Storm Water Directed Off-Site to New Catch Basins constructed by the applicant on Desert Club Drive and Calle Tampico

52. The applicant will be allowed to utilize acceptable surface drainage facility designs to drain stormwater from the site on to Desert Club Drive. The applicant shall construct catch basins and underground storm drain system to pipe water to the existing system along Desert Club Drive. In addition, the applicant shall construct catch basins along Calle Tampico to collect storm water to transport it to the existing system in Calle Tampico and Desert Club Drive as approved by the City Engineer.

Scenario No. 2 – On-Site Storm Water Captured On-Site and Directed Off-Site Through On-Site Underground Storm Drainage System to Existing Off-Site Underground Drainage System

53. The applicant shall be allowed to direct stormwater from the Village Use Permit site through the on-site underground drainage network to the existing storm drain system off site as approved by the City Engineer.

54. Pursuant to all scenarios listed above, the Applicant is hereby notified that future site modifications may be necessary including, but not limited to building layouts and parking lot and drive aisle configuration. If, in the event, the proposed retention capacity or pass through storm water flow is found to be inadequate during final design, the applicant shall make adjustments to the site layout as needed to accommodate the increased retention/detention or pass through capacity required to satisfy safety issues. Pursuant to the afore mentioned, the applicant may be required to construct additional underground and aboveground drainage facilities to convey on site and off site stormwater through the project site.

## UTILITIES

55. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).

56. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.

57. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

    All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

58. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

    The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

## CONSTRUCTION

59. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

60. Any building mounted mechanical equipment shall be fully screened from view by an architectural feature, wall, or parapet of sufficient height to fully screen such equipment above its horizontal plane.

61. All trellises shall be constructed of a metal material painted to match the approved color palate.

62. All trellises identified on the south face (front) of Shops 2 shall extend a minimum of six feet from the building and be designed with a lattice pattern capable of providing shade.

63. Final carport design and color shall be approved by the Planning Director.

64. All trash and grocery cart enclosures shall have a white color and finish consistent with the buildings.

65. The applicant shall provide a contrasting color to the treatment to the parapet caps.

LANDSCAPE AND IRRIGATION

66. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).

67. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.

68. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

69. Final landscaping and irrigation plans shall be prepared by a licensed landscape professional, shall be reviewed by the ALRC and Public Works Director, and approved by the Planning Director prior to issuance of the first building permit. An application for Final Landscape Plan Check shall be submitted to the Planning Department for final landscape plan review. Said plans shall include all landscaping associated with this project, including perimeter landscaping, shall be certified to comply with the 50% parking lot shading requirement, and be in compliance with Chapter 8.13 (Water Efficient Landscaping) of the Municipal Code. The landscape and irrigation plans shall be approved by the Coachella Valley Water District and Riverside County Agriculture Commissioner prior to submittal of the final plans to the Planning Department. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director.

70. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5th Edition" or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.

71. Mature Bougainvillea landscaping with significant foliage shall be provided along the entire length of the screening wall adjacent to the loading dock.

72. All climbing landscaping utilized for vertical trellises shall consist of mature specimens with significant foliage from a minimum 15 gallon size container.

73. Should any landscaping utilized for screening purposes be deemed insufficient by the Planning Director following an initial period of growth, the applicant shall replace or provide additional landscaping with significant foliage.

74. All Roses identified on the final landscaping plans shall be planted away from high-traffic pedestrian areas.

75. Should any future tenants utilize any sidewalks and/or the central plaza for outdoor seating, the final seating and any modifications to the landscaping shall be reviewed and approved by the Planning Director.

76. The applicant shall provide bicycle parking and bench seating within or around the central plaza. Final location and design of said improvements shall be approved by the Planning Director.

77. Final design of the water feature identified in the central plaza shall be approved by the Planning Director.

78. Blue Palo Verde trees identified within the central plaza shall consist of a minimum 36 inch box size.

79. The applicant shall provide an additional four landscaped columns along Calle Tampico along the south face of Shops 1.

OUTDOOR LIGHTING

80. Exterior lighting shall comply with Section 9.100.150 (Outdoor Lighting) of the La Quinta Municipal Code. An exterior lighting plan with photometric study and

manufacturers cut sheets shall be approved by the Planning Director prior to issuance of first building permit for project.

81. Freestanding outdoor lighting within the parking lot shall be turned off or dimmed to a level approved by the Planning Director one hour following store closing hours.

QUALITY ASSURANCE

82. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.

83. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.

84. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.

85. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer Of Record during the construction phase of the project so that the EOR. can make site visits in support of preparing As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

## MAINTENANCE

86. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).

87. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

## FEES AND DEPOSITS

88. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.

89. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

90. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of such reapportionment.

## FIRE DEPARTMENT

91. Provide or show there exists a water system capable of delivering a fire flow 1500 gallons per minute for a two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.

92. Approved accessible on-site fire hydrants shall be located not to exceed 330 feet apart in any direction and within any portion of the facility or of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus as measured by an approved route around the complex, exterior of the facility or building, and no portion of a building further than 165 feet from a fire hydrant. Fire hydrants shall provide the required fire flow.

93. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.

94. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority.

95. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

96. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.

97. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn around capabilities of fire apparatus

98. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles. The applicant or developer shall include in the building plans the required fire lanes and include the appropriate lane printing and/or signs.

99. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtain at the Fire Department.

100. Display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.

101. Install a complete commercial fire sprinkler system (per NFPA 13 1999 Edition). Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The PIV and FCD shall be located to the front, within 25 to 50 feet of hydrant, and a minimum of 25 feet from the building(s). Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contactor must submit plans, along with current $307.00 deposit based fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available for the Fire Department.

102. Install an alarm monitoring system for fire sprinkler system(s) with 100 or more heads (20 or more in Group I, Division 1.1 and 1.2 occupancies). Valve monitoring, water-flow alarm and trouble signals shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station in accordance with 2001 CBC, Sec. 904.3.1. An approved audible sprinkler flow alarm shall be provided on the exterior in an approved location and also in the interior in a normally occupied location. A C-10 licensed contractor must submit plans designed in accordance with NFPA 72, 1999 Edition, along with the current $192.00 deposit based fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available from the Fire Department.

103. Install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or 75 feet of travel distance. Fire extinguishers shall be mounted 3.5 to 5 ft above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.

104. A UL 300 hood/duct fire extinguishing system must be installed over the cooking equipment. The extinguishing system must automatically shutdown gas and /or electricity to all cooking appliances upon activation. A C-16 licensed contractor must submit plans, along with the current permit fee, to the Fire Department for review and approval prior to installation. Alarm system supervision is only required if the building has an existing fire alarm system.

105. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in UBC Table 3-D and 3-E. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.

106. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the current California Building Code.

107. Electrical room doors if applicable shall be posted "ELECTRICAL ROOM" on outside of door.

108. Access shall be provided to all mechanical equipment located on the roof as required be the Mechanical Code.

109. Air handling systems supplying air in excess of 2000 cubic feet per minute to enclosed spaces within buildings shall be equipped with an automatic shutoff.